

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Applications of	)	
	)	
Comcast Corp.,	)	
Time Warner Cable Inc.,	)	MB Docket No. 14-57
Charter Communications, Inc., and	)	
SpinCo	)	
	)	
For Consent To Assign or Transfer Control of	)	
Licenses and Authorizations	)	

**JOINT OPPOSITION TO MOTION FOR  
EXTENSION OF TIME TO FILE REPLIES**

Comcast Corporation (“Comcast”), Time Warner Cable Inc. (“TWC”), and Charter Communications, Inc. (“Charter”) (collectively, “Applicants”) hereby jointly oppose the Motion for Extension of Time to File Replies filed by Dish Network Corporation (“Dish”).<sup>1</sup> Dish has had seven months since the announcement of Comcast’s merger with TWC and almost five months since the announcement of the related divestiture transactions with Charter during which to develop its views, not to mention access to Applicants’ numerous submissions, including their Applications and Public Interest Statements filed on April 8, 2014 and June 4, 2014, and their Oppositions to Petitions to Deny filed this week. For this reason and the reasons set forth below, Dish’s motion is dilatory and inconsistent with Commission precedent, and should be denied.

At the outset, Applicants note that the Commission has previously declined to delay the pleading cycle in a license transfer proceeding based upon the timing of applicants’ responses to

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<sup>1</sup> Dish Network Corporation, Motion for Extension of Time to File Replies, MB Docket No. 14-57 (filed Sept. 22, 2014) (“Dish Motion”).

information requests. During the Commission’s review of the Comcast-NBCUniversal transaction, for example, certain opponents sought to have the Commission extend the pleading cycle because there was allegedly “insufficient time for interested parties to incorporate any meaningful observations and analyses of the Applicants’ [information request responses].”<sup>2</sup> Dish makes the same argument in its motion, claiming that Applicants’ responses to the Request<sup>3</sup> are “essential to the submission of well-considered replies by Petitioners, including DISH.”<sup>4</sup> The Commission rejected exactly this point in the Comcast-NBCUniversal proceeding: “We agree with the Applicants that the schedule for the information requests is not, and should not be, tied to the timing of the pleading cycle.”<sup>5</sup> The Commission should deny Dish’s motion based on this reason alone.<sup>6</sup>

In any event, Dish’s claims that Comcast’s responses “have been materially late and are still materially incomplete” are baseless. Comcast submitted the vast majority of its narrative and data responses to the Request on September 11, 2014, which was the Commission’s initial, three-week deadline.<sup>7</sup> With the Commission’s knowledge, and as explained in Comcast’s submission letter, Comcast also submitted the very few remaining data responses shortly

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<sup>2</sup> *Applications of Comcast Corp., Gen. Elec. Co., and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, Order, 25 FCC Rcd 7521, ¶ 3 (MB 2010) (“*Order on Extension of Time*”).

<sup>3</sup> See Letter from William T. Lake, Chief, Media Bureau, FCC, to Kathryn A. Zachem, Senior Vice President, Comcast Corp., MB Docket No. 14-57 (Aug. 21, 2014) (“Request”).

<sup>4</sup> Dish Motion at 1-2.

<sup>5</sup> *Order on Extension of Time* ¶ 7.

<sup>6</sup> The cases Dish cites in an attempt to support its motion are inapposite. All but one of the cited decisions either relate to instances in which the Commission extended pleading cycles for reasons that had nothing to do with the substance or volume of responses to information requests, or arose in contexts that had nothing to do with transaction reviews. The one decision Dish cites that involves a response to an information request is about the restarting of the Commission’s informal transaction review clock and does not address the pleading cycle at all. Of course, Dish conveniently ignores one recent Commission decision that *is* on point. See *supra* note 2.

<sup>7</sup> Letter from Kathryn A. Zachem, Senior Vice President, Comcast Corp., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 11, 2014) (“Comcast Responses”).

thereafter.<sup>8</sup> Dish’s characterization of the Comcast Responses as “largely a placeholder” is nonsense. The Comcast Responses span more than 250 pages of detailed narratives and contain hundreds more exhibits.

Dish’s principal complaint is that Comcast has not yet produced *documents* in response to a variety of the requests in the Commission’s Request.<sup>9</sup> In fact, however, Comcast deferred filing its complete document production at the express request of the Commission, as reflected in the Commission’s *Document Production Public Notice*: “The Commission has asked the applicants to defer further production of documents in MB Docket Nos. 14-57 . . . pending our consideration of these issues.”<sup>10</sup> In addition, Comcast’s submission letter dated September 11, 2014 also plainly stated that documents would be submitted “following adjustments to reflect ongoing discussions with Commission staff”<sup>11</sup> – and, as made clear by the *Document Production Public Notice*, consideration of this matter remains pending. In any event, Dish’s claim that it is unable to craft a meaningful reply because it lacks access to Applicants’ most sensitive business documents lacks credibility and should be given no weight.

Dish also complains about the time that elapsed before it received a copy of Comcast’s responses to the Request. But Dish’s motion in fact confirms that Comcast fully complied with

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<sup>8</sup> See Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 24, 2014) (submitting revised exhibits); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 19, 2014) (submitting supplemental responses and exhibits); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 18, 2014) (submitting backup data); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 17, 2014) (submitting additional documents); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 15, 2014) (submitting supplemental exhibits).

<sup>9</sup> Dish Motion at 2-4.

<sup>10</sup> *Media Bureau Seeks Comment on Issues Raised by Certain Programmers and Broadcasters Regarding the Production of Certain Documents in Comcast-Time Warner Cable-Charter and AT&T-DirecTV Transaction Proceedings*, MB Docket Nos. 14-57 and 14-90, Public Notice, DA 14-1383 (Sept. 23, 2014) (“*Document Production Public Notice*”).

<sup>11</sup> Comcast Responses Transmittal Letter at 3.

the procedures set forth in the *Joint Protective Order*.<sup>12</sup> Dish notes that it received a Highly Confidential version of Comcast's responses on September 15, 2014<sup>13</sup> – two business days after they were filed with the Commission, which is exactly what is required under the *Joint Protective Order*. Dish also protests the amount of time it took for the public version of Comcast's responses to appear on ECFS and seems to want to hold Comcast accountable for this.<sup>14</sup> But Comcast submitted the public version of its responses on September 11, 2014, as both ECFS and the Commission's web page for the transaction plainly show. It is difficult to see how Dish can complain about any delay in access to the public version of a filing when it received a non-public, Highly Confidential version in a timely fashion.

Finally, Dish cannot support its remaining assertion that Comcast's more than 250 pages of narrative responses are "defective." A few examples refute Dish's claims. Dish argues that Comcast's response to Request No. 13 did not provide sufficient information regarding the "possibility of new entrants for the provision of relevant services,"<sup>15</sup> but Comcast in fact provided *15 pages* of detailed explanation in response to that single request.<sup>16</sup> Dish also contends that Comcast's response to Request No. 43 "fails to provide any specifics" with respect to authentication of the HBO Go application.<sup>17</sup> But Comcast's response to Request No. 43 totals *11 pages* of detailed narrative response regarding Comcast's authentication practices, including with respect to HBO Go.

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<sup>12</sup> *Applications of Comcast Corp. and Time Warner Cable Inc. for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-57, Joint Protective Order, 29 FCC Rcd 3688 (2014) ("*Joint Protective Order*").

<sup>13</sup> Dish Motion at 4.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 2.

<sup>16</sup> Comcast Responses at 31-45.

<sup>17</sup> Dish Motion at 4.

Applicants have diligently responded to the Commission’s information requests and have complied with the Commission’s procedures to make those responses available under the *Joint Protective Order*. Dish identifies no legitimate reason to extend the pleading cycle. Accordingly, Applicants respectfully request that, consistent with its “obligation to review proposed transactions as expeditiously as possible,”<sup>18</sup> the Commission deny Dish’s motion.

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<sup>18</sup> *Applications of Comcast Corp., Time Warner Cable Inc., Charter Communications, Inc., and SpinCo for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-57, Order, DA 14-1226, ¶ 7 (MB Aug. 22, 2014).

Respectfully submitted,

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September 26, 2014

## CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2014, I caused true and correct copies of the foregoing Joint Opposition to Motion for Extension of Time to File Replies of Comcast Corporation, Time Warner Cable Inc., and Charter Communications, Inc. to be served electronically upon the following:

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